

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

TODD LOPEZ, as Personal Representative  
of The Estate of JOSEPH OROSCO

Plaintiff,

vs.

1:23-cv-01127-KK-LF

UNITED VAN LINES, LLC,  
SAFEWAY MOVING SYSTEM, INC.,  
SAFEWAY LOGISTICS SPECIALY FLATBED, LLC,  
and ANTHONY NOLEN,

Defendants.

**ORDER FOR RULE 7.1 DISCLOSURE**

THIS MATTER is before the court *sua sponte* for jurisdictional purposes. Defendants United Van Lines, LLC (“United”) and Anthony Nolan removed this case from the First Judicial District Court of the State of New Mexico based on diversity jurisdiction. Doc. 1. Defendants’ notice of removal identifies United’s sole member, Transportation Services Group, Inc., as incorporated in Missouri. *Id.* at 3. Plaintiff amended his complaint on January 12, 2024, joining defendants Safeway Moving System, Inc. and Safeway Logistics Specialty Flatbed, LLC. Doc. 14. Plaintiff’s amended complaint states that both joined defendants are “foreign corporation[s] doing business in New Mexico.” *Id.* at 1–2. The information provided in Defendants’ notice and Plaintiff’s amended complaint is insufficient to confirm the diversity of citizenship necessary to establish jurisdiction under 28 U.S.C. § 1332(a).

“[A] corporation shall be deemed to be a citizen of every State and foreign state by which it has been incorporated *and of the State or foreign state where it has its principal place of business . . .*” 28 U.S.C.A. § 1332(c)(1) (emphasis added); *see also Hertz Corp. v. Friend*, 559 U.S. 77 (2010) (holding that a corporation’s principal place of business is the place where its

officers direct, control, and coordinate its activities). Furthermore, “Supreme Court precedent makes clear that in determining the citizenship of an unincorporated association for purposes of diversity, federal courts must include all the entities’ members.” *Siloam Springs Hotel, L.L.C. v. Century Sur. Co.*, 781 F.3d 1233, 1237–38 (10th Cir. 2015) (citing *Carden v. Arkoma Assocs.*, 494 U.S. 185, 195–96 (1990)) (other citations omitted); *see also Americold Realty Trust v. Conagra Foods, Inc.*, 577 U.S. 378, 380 (2016) (affirming the Tenth Circuit’s holding that “the citizenship of any ‘non-corporate artificial entity’ is determined by considering all of the entity’s ‘members’”). The relevant time period for determining the existence of complete diversity is the time of the filing of the complaint and the time of removal. *See Siloam Springs Hotel*, 781 F.3d at 1239; *see also Woods v. Ross Dress for Less, Inc.*, 833 F. App’x 754, 757 (10th Cir. 2021) (“When diversity jurisdiction is the basis for removal, diversity must exist both at the time the action is filed in state court and at the time the case is removed to federal court.”).


Accordingly, within 21 days of the date of this order, Defendants shall file a response stating:

- 1) the principal place of business of defendant United, as of the time that the action was commenced in state court and at the time of removal;
- 2) the principal place of business of defendant Safeway Moving System, Inc., as of the time of filing of Plaintiff’s amended complaint; and
- 3) the name and citizenship of each member of Safeway Logistics Specialty Flatbed, LLC, as of the time of filing of Plaintiff’s amended complaint.

Defendants must identify the domicile of each individual member of the unincorporated association and identify the State of incorporation and principal place of business of each corporate member. *See Siloam Springs*, 781 F.3d at 1238 (“An individual’s residence is not

equivalent to his domicile and it is domicile that is relevant for determining citizenship.”); 28 U.S.C.A. § 1332(c)(1). If any of Safeway Logistics Specialty Flatbed, LLC’s limited partners are LLCs, Defendants also must identify the citizenship of each member of the member LLC.

IT IS SO ORDERED.

  
Laura Fashing  
United States Magistrate Judge